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OFFICE OF PETITIONS

In re	:
Roberts, et al.	:
Application No. 10/800,146	: DECISION REGARDING
Filed: March 11, 2004	: PATENT TERM ADJUSTMENT
Patent No. 7,359,873	: AND
Issued: April 15, 2008	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This decision is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT", filed May 7, 2008, requesting correction of the patent term adjustment (PTA).

The request is GRANTED.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of five hundred forty-seven (547) days.

On April 15, 2008, the above-identified application matured into U.S. Patent No. 7,359,873. The patent issued with a Patent Term Adjustment of five hundred seventy-five (575) days.

However, as pointed out in the application for patent term adjustment, there was an error in the determination of the PTA. A review of the file reveals that applicants filed an RCE on January 1, 2008, in response to a final Office action mailed on September 4, 2007. Accordingly, twenty-eight (28) days of applicant delay should have been assessed pursuant to 37 C.F.R. §1.704(b).

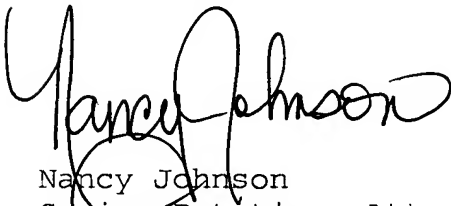
In view thereof, the correct determination of patent term adjustment is five hundred forty-seven (547) days (596 days of PTO delay, reduced by 49 (21+28) days of applicant delay).

Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 C.F.R. §1.322 is appropriate.

Give the basis for granting this decision, no fee is required and none has been charged. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. 254 and 37 C.F.R. §1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by five hundred forty-seven (547) days, subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

A handwritten signature in black ink, appearing to read "Nancy Johnson". The signature is fluid and cursive, with the first name "Nancy" and last name "Johnson" clearly distinguishable.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,359,873 B2

DATED : April 15, 2008

INVENTOR(S) : Roberts, et. al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (575) days

Delete the phrase "by 575 days" and insert – by 547 days—